IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15629 of 2005

Between:

Enda Vishnuvardhan Rao

..... PETITIONER

AND

Commissioner of Panchayat Raj, Govt of A.P., Hyderabad

and others

.....RESPONDENTS

ORDER:

Seeking to issue a Mandamus, declaring the proceedings No.3004/04-05, dated 29.06.2005 issued by the 2nd respondent, as arbitrary and illegal, this writ petition is filed.

It is the case of the petitioner that the Central Government has framed 'Sampoorna Grameena Rozgar Yojana Scheme (for short 'SGRY Scheme') and as per guidelines in Clause 5.14.3 of the said scheme, the cheques shall be signed by the Head of the Panchayat along with another person who has been specially authorized in the resolution, in respect of Village Panchayats. Accordingly, a meeting of the village panchayat was held on 22.05.2005 with certain agenda items, but in the said meeting there is no agenda item with regard to nomination of a

member of the village panchayat or secretary for the purpose of opening a joint account for receiving the funds under the said scheme. In the meanwhile, contrary to the guidelines of the said scheme, the 2nd respondent issued the impugned proceedings permitting 4th and 5th respondents to open a joint account to withdraw monies under the said scheme, infringing the rights of the elected ward members of the Gram Panchayat. Hence this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

I have gone through the material made available on record. The Gram Panchayat of Tadivalasa, Ponduru Mandal, Srikakulam District has come into force with effect from 21.08.2001, but it has not taken up any developmental activities by utilizing the funds released under various schemes. The Central Government has introduced SGRY Scheme, releasing central assistance for rural development. The guidelines of the said scheme under 5.14.3.Stream-II reads thus:

> ”However, in case of village panchayats the cheque shall be signed by the Head of Panchayat along with another person who has been specially authorized by the village Panchayat by a Resolution. The other person must be a member of the village Panchayat or Secretary of the Panchayat. Payment of every amount should be authorized in the meeting of village Panchayat and the Gram Sabha should be informed about it in the following meeting.”

The petitioner Panchayat has not utilized the funds of SGRY Scheme due to non-selection of Second Signatory for the drawl of funds by the Gram Panchayat in spite of several meetings were conducted. The 3rd respondent has reported and recommended to appoint the Panchayat Secretary concerned as Second Signatory for drawl of funds under SGRY Scheme, as the petitioner Gram Panchayat has not come to the conclusion to select the Second Signatory. In those circumstances, the 2nd respondent issued the impugned order appointing the Secretary to withdraw the funds along with Sarpanch. Therefore, I see no reason to entertain this writ petition.

Accordingly, the Writ Petition is dismissed. However, the petitioner Panchayat is at liberty to convene a general body meeting and pass a resolution as per guidelines in Clause 5.14.3 of the SGRY Scheme with regard to nomination of a member of the

Panchayat or Secretary for the purpose of opening of joint account for receiving the funds under the said Scheme. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 26.07.2005

Dsr